

Form 149

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Mitchell R. Steele Jr.
Shannon L. Steele
fka Shannon L. McAlister
Debtor(s)

Bankruptcy Case No.: 19-23303-CMB
Per March 12, 2020 Proceeding
Chapter: 13
Docket No.: 33 - 2
Concl. Conf.: at

ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 21, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,336.00 as of March, 2020. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at, in*. If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Westmoreland County Tax Claim Bureau (Cl. #3); PHFA (Cl. #17) with payment to be determined by Trustee; PNC (Cl. #14); LVNV (Cl. #15).
- H. Additional Terms: Regional Acceptance (Cl. #1) to be paid \$9975.00 as secured at modified plan terms. Remainder of claim is unsecured.

Tempoe LLC (Cl. #16-2) to govern as timely filed.

(2.) *IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:*

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm
Judge
United States Bankruptcy Court

Dated: March 26, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Mitchell R. Steele, Jr.
 Shannon L. Steele
 Debtors

Case No. 19-23303-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dric
 Form ID: 149

Page 1 of 2
 Total Noticed: 38

Date Rcvd: Mar 26, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 28, 2020.

db/jdb +Mitchell R. Steele, Jr., Shannon L. Steele, 723 Lowry Avenue, Jeannette, PA 15644-2660
 15139662 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
 15108770 +Clerk of Courts, 2 N. Main Street, Suite 101, Greensburg, PA 15601-2405
 15108772 +Credit Union Bank, 6801 S. Cimarron Road, Las Vegas, NV 89113-2273
 15108773 +Crosina George, 188 Burrell Hill Road, Penn, PA 15675-1100
 15108776 +Elliott Federal Credit Union, 920 N. Fourth Street, Jeannette, PA 15644-1499
 15108778 +First National Bank of Pennsylvania, c/o Bernard C. John, Esquire, AAS Debt Recovery Inc., P.O. Box 129, Monroeville, PA 15146-0129
 15108780 +LVNV Funding LLC, c/o Ian Z. Winograd, Esquire, Pressler, Felt & Warshaw, LLP, 400 Horsham Road, Suite 110, Horsham, PA 19044-2146
 15108781 +MBM Collections, LLC, 100 Purity Road, Suite 3, Pittsburgh, PA 15235-4441
 15125097 +PHEAA, PO Box 8147, Harrisburg PA 17105-8147
 15108784 +PHEAA, 1200 N. 7th Street, 4th Floor, Harrisburg, PA 17102-1444
 15146564 +PNC Bank, NA, Attn: Bankruptcy, P.O. Box 94982, Cleveland, OH 44101-4982
 15108785 +PNC Bank, National Association, c/o Michael T. McKeever, Esquire, 701 Market Street, Suite 5000, Philadelphia, PA 19106-1541
 15108786 +Receivables Mgmt. Svcs. LLC, 240 Emery Street, Bethlehem, PA 18015-1980
 15152012 ++TEMPOE LLC DBA WHY NOT LEASE IT, ATTN BOB HOLWADEL, 720 EAST PETE ROSE WAY SUITE 400, CINCINNATI OH 45202-3576
 (address filed with court: Tempoe, LLC dba Why Not Lease It, 720 East Pete Rose Way, Ste. 400, Cincinnati, OH 45202)
 15108788 +Westmoreland Christian Academy, 538 Rugh Street, Greensburg, PA 15601-5616
 15108789 +Westmoreland County Tax Claim Bureau, 40 N. Pennsylvania Avenue, Suite 109, Greensburg, PA 15601-2341

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Mar 27 2020 03:56:36
 Capital One Auto Finance, a division of Capital On, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
 cr +E-mail/PDF: acg.acg.ebn@americaninfosource.com Mar 27 2020 03:55:35
 Exeter Finance LLC, c/o AIS Portfolio Services, LP, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
 15142288 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 27 2020 03:56:55
 Ashley Funding Services, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15108769 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 27 2020 03:57:35
 Capital One Bank USA NA, P.O. Box 85015, Richmond, VA 23285
 15120382 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Mar 27 2020 03:55:28
 Capital One Bank (USA), N.A., by American InfoSource as agent, PO Box 71083, Charlotte, NC 28272-1083
 15108771 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 27 2020 03:50:52
 Collection Service Center, Inc., 839 Fifth Avenue, New Kensington, PA 15068-6303
 15108774 +E-mail/PDF: pa_dc_ed@navient.com Mar 27 2020 03:57:49 Department of Education/Navient, P.O. Box 9655, Wilkes Barre, PA 18773-9655
 15108775 +E-mail/Text: bankruptcynotices@dcicollect.com Mar 27 2020 03:51:28
 Diversified Consultants Inc., 10550 Deerwood Park Blvd., Suite 708, Jacksonville, FL 32256-2810
 15108777 +E-mail/PDF: ais.exeter.ebn@americaninfosource.com Mar 27 2020 03:57:50 Exeter Finance, P.O. Box 166097, Irving, TX 75016-6097
 15134992 +E-mail/PDF: ais.exeter.ebn@americaninfosource.com Mar 27 2020 03:57:49 Exeter Finance LLC, P.O. Box 167399, Irving, TX 75016-7399
 15108779 +E-mail/Text: bncnotices@becket-lee.com Mar 27 2020 03:49:30 Kohls/Capital One, P.O. Box 3115, Milwaukee, WI 53201-3115
 15147285 E-mail/PDF: resurgentbknotifications@resurgent.com Mar 27 2020 03:56:47 LVNV Funding LLC, c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 15125873 E-mail/Text: GUARBKe-courtdocs@ascendiumeducation.org Mar 27 2020 03:49:23
 NAVIENT SOLUTIONS, LLC. ON BEHALF OF, Ascendium Education Solutions, Inc., Po Box 8961, Madison, WI 53708-8961
 15108782 +E-mail/PDF: pa_dc_claims@navient.com Mar 27 2020 03:55:40 Navient, P.O. Box 9655, Wilkes Barre, PA 18773-9655
 15139808 E-mail/PDF: pa_dc_claims@navient.com Mar 27 2020 03:55:39
 Navient Solutions, LLC. on behalf of, Department of Education Loan Services, PO BOX 9635, Wilkes-Barre, PA 18773-9635
 15195099 E-mail/Text: blegal@phfa.org Mar 27 2020 03:50:48 PHFA/HEMAP, 211 NORTH FRONT ST, PO BOX 8029, HARRISBURG, PA 17105
 15108783 +E-mail/Text: blegal@phfa.org Mar 27 2020 03:50:48 Pennsylvania Housing Finance Agency, 211 N. Front Street, Harrisburg, PA 17101-1406
 15117661 E-mail/PDF: RACBANKRUPTCY@BANDT.COM Mar 27 2020 03:56:48 Regional Acceptance Corporation, PO Box 1847, Wilson, NC 27894-1847
 15108787 +E-mail/PDF: RACBANKRUPTCY@BANDT.COM Mar 27 2020 03:56:48 Regional Acceptance Corporation, P.O. Box 580075, Charlotte, NC 28258-0075
 15140098 E-mail/PDF: pa_dc_claims@navient.com Mar 27 2020 03:56:42 VL FUNDING, C/O Navient Solutions, LLC., PO BOX 9640, Wilkes-Barre, PA 18773-9640

District/off: 0315-2

User: dric
Form ID: 149

Page 2 of 2
Total Noticed: 38

Date Rcvd: Mar 26, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

15136868 +E-mail/Text: bankruptcy@firstenergycorp.com Mar 27 2020 03:50:52 West Penn Power,
5001 NASA Blvd, Fairmont WV 26554-8248

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK NATIONAL ASSOCIATION
cr Regional Acceptance Corporation
15140324* Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 28, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 26, 2020 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bkgroup@kmllawgroup.com
Keri P. Ebeck on behalf of Creditor Regional Acceptance Corporation kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Maureen Kroll on behalf of Joint Debtor Shannon L. Steele maureen@mkroll.comcastbiz.net,
lisa@mkroll.comcastbiz.net
Maureen Kroll on behalf of Debtor Mitchell R. Steele, Jr. maureen@mkroll.comcastbiz.net,
lisa@mkroll.comcastbiz.net
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmevf@chapter13trusteedpa.com

TOTAL: 6